

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

TERESA J. SCHMIDT,

Case No.

Plaintiff,

Judge:

Magistrate Judge:

v.

LOWE'S COMPANIES, INC.
LOWE'S HOME CENTERS, INC., and
LOWE'S HOME CENTERS, LLC,

Defendants.

NOTICE OF FILING NOTICE OF REMOVAL (CIRCUIT COURT)

NOTICE OF FILING NOTICE OF REMOVAL (FEDERAL COURT)

**NOTICE OF REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

VERIFICATION

APPEARANCE (FEDERAL COURT)

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

TERESA J. SCHMIDT,

Case No.

Plaintiff,

Judge:

Magistrate Judge:

v.

LOWE'S COMPANIES, INC.
LOWE'S HOME CENTERS, INC., and
LOWE'S HOME CENTERS, LLC.

Defendants.

**NOTICE OF FILING REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

PLEASE TAKE NOTICE that, pursuant to 28 USC §1441, Defendants, Lowe's Home Centers, Inc., improperly named in Plaintiff's Complaint, now known as Lowe's Home Centers, LLC, and Lowe's Companies, Inc., improperly included in Plaintiff's Complaint, [hereinafter "Lowe's"], and hereby file with the Clerk of the Court a copy of their Notice of Removal, attached hereto, and which was filed with the United States District Court, Western District of Michigan, on November 13, 2020.

PLUNKETT COONEY

DATED: 11/13/20

/s/Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendants
111 East Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010

CERTIFICATE OF ELECTRONIC FILING

Ridley S. Nimmo, II certifies that a copy of the Removal documents and this Certificate of Electronic Filing was electronically filed with the United States District Court, Western District of Michigan, in the above cause on 11/13/20. A copy will be provided to counsel of record via first class mail. I declare under the penalty of perjury that the above statement is true to the best of my knowledge, information and belief.

/s/Ridley S. Nimmo, II
Ridley S. Nimmo, II (P54783)
Attorney for Defendants
111 E. Court Street, Suite 1B
Flint, MI 48502
810-342-7010
rnimmo@plunkettcooney.com

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

TERESA J. SCHMIDT,

Case No.

Plaintiff,

Judge:

Magistrate Judge:

v.

LOWE'S COMPANIES, INC.
LOWE'S HOME CENTERS, INC., and
LOWE'S HOME CENTERS, LLC.

Defendants.

**NOTICE OF REMOVAL FOR CAUSE TO THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN
DIVISION**

NOW COME Defendants, Lowe's Home Centers, Inc., improperly named in Plaintiff's Complaint, now known as Lowe's Home Centers, LLC, and Lowe's Companies, Inc., improperly included in Plaintiff's Complaint, [hereinafter "Lowe's"], by and through their attorneys, Plunkett Cooney, pursuant to 28 U.S.C.A. §§ 1332, 1441 and 1446, hereby files this Notice of Removal of the above-captioned matter to the United States District Court for the Western District of Michigan, from the Ingham County Circuit Court where the action is now pending and states as follows:

1. The above-captioned matter was filed in Ingham County Circuit Court on or about July 23, 2020, and is now pending in that court.

2. Defendants Lowe's first received a copy of the Summons and Complaint in this matter on or about October 19, 2020.

3. The above-captioned matter is a suit at common law of a civil nature brought by Plaintiff, Teresa J. Schmidt, in which the Plaintiff seeks monetary damages as a result of Defendant's alleged negligence.

4. The above-captioned matter involves a controversy which is wholly between citizens of different states in that at the time of the commencement of this action in Ingham County Circuit Court, the Plaintiff was a citizen and resident of the City of Holt, County of Ingham, State of Michigan; and the Defendants Lowe's, were, and still are, foreign corporations under the laws of the State of North Carolina and their principal place of business in North Carolina (and Lowe's Home Centers, LLC is a manager-managed LLC with a single member, Lowe's Companies, Inc., Lowe's Companies, Inc. is a North Carolina corporation.).

5. This action is one over which the District Courts of the United States are given original jurisdiction.

6. The time within which Defendants are required to file this Notice of Removal to Federal Court has not yet expired.

7. According to the allegations in Plaintiff's Complaint, Plaintiff seeks to recover monetary damages in connection with alleged injuries sustained as a result of Defendants alleged negligence.

8. According to Plaintiff's Complaint, attached as Exhibit A, Plaintiff seeks to recover damages in excess of \$25,000, exclusive of interest and costs in this matter, for injuries Plaintiff alleges are serious, permanent and ongoing. Further, it is clear from Plaintiff's pre-suit settlement demands that Plaintiff is claiming damages in excess of \$75,000.00 and that the amount in controversy is presently in excess of the same.

9. Defendants file with this Notice a copy of all process, pleadings and orders served upon Defendants in this action (See Exhibit A).

10. This action is removable to this Court under and by virtue of the acts of Congress of the United States.

11. Defendants have served written notice of the filing of this Notice as required by 28 U.S.C.A. § 1446(d).

12. A copy of this Notice will be filed with the Clerk of the Ingham County Circuit Court, as required by 28 U.S.C.A. § 1446(d).

WHEREFORE, Defendants Lowe's respectfully request that they may effectuate removal of this action from the Circuit Court for the County of Ingham, State of Michigan, to the United States District Court for the Western

District of Michigan, and that this action proceed in this Court as an action properly removed.

Respectfully submitted,

PLUNKETT COONEY

Dated: 11/13/20

/s/Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendants
111 E. Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM**

THERESA J. SCHMIDT,

Plaintiff,

Case No. 20-390-NO

v.

Judge: James S. Jamo

LOWE'S COMPANIES, INC.,
LOWE'S HOME CENTERS, INC., and
LOWE'S HOME CENTERS, LLC,

Defendants.

SINAS, DRAMIS, LARKIN, GRAVES &
WALDMAN, P.C.
DANIEL S. ZICK (P77950)
Attorneys for Plaintiff
3380 Pine Tree Road
Lansing, MI 48911-4207
(517) 394-7500
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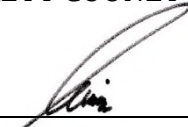
PLUNKETT COONEY
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendants
111 E. Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010 (810) 232-3159 Fax
rnimmo@plunkettcooney.com

NOTICE OF FILING REMOVAL
WITH THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §1441, Defendants, Lowe's Home Centers, Inc., improperly named in Plaintiff's Complaint, now known as Lowe's Home Centers, LLC, and Lowe's Companies, Inc., hereby file their Notice of Removal, a copy of which is attached hereto and which was filed with the United States District Court, Western District of Michigan on November 13, 2020.

PLUNKETT COONEY

Date: 11/13/20

By: 
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendants
111 E. Court St., Suite 1B
Flint, MI 48502
(810) 342-7010 (810) 232-3159 Fax
rnimmo@plunkettcooney.com

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on November 13, 2020.

By: ☐ Overnight Courier ☐ Facsimile ☐ E-mailed
☐ Hand Delivered ☒ U.S. Mail ☐ Other
☐ Certified Mail ☐ Scanned

Signature: 
Christine Knotts

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**UNITED STATES DISTRICT COURT
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Plaintiff,

Judge:

Magistrate Judge:

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LOWE'S COMPANIES, INC.
LOWE'S HOME CENTERS, INC., and
LOWE'S HOME CENTERS, LLC,

Defendants.

VERIFICATION

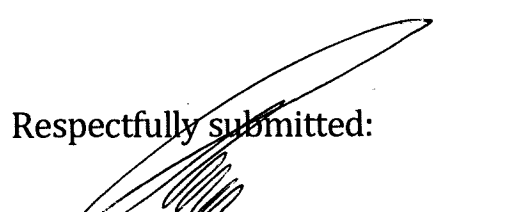
RIDLEY S. NIMMO, II, being first duly sworn, deposes and says that he is the attorney for Defendants Lowe's and that the foregoing Notice of Removal is true in substance and in fact to the best of his knowledge, information, and belief.

Subscribed and sworn to before me on
November 13, 2020.



Kathaleen M. Forde, Notary Public
Oakland County, Michigan
Acting in Genesee County, Michigan
My Commission Expires: 4/16/25

Respectfully submitted:



RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendants
111 E. Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

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LOWE'S COMPANIES, INC.
LOWE'S HOME CENTERS, INC., and
LOWE'S HOME CENTERS, LLC,

Defendants.

APPEARANCE

PLEASE ENTER my Appearance as attorney in the above-entitled matter
for the named Defendants.

Respectfully submitted,

PLUNKETT COONEY

Dated: 11/13/20

/s/Ridley S. Nimmo, II
RIDLEY S. NIMMO, II (P54783)
Attorneys for Defendants
111 E. Court Street, Suite 1B
Flint, MI 48502
(810) 342-7010

CERTIFICATE OF ELECTRONIC FILING

Ridley S. Nimmo, II certifies that a copy of the Appearance and this Certificate of Electronic Filing was electronically filed with the United States District Court, Western District of Michigan, in the above cause on 11/13/20. A copy will be provided to counsel of record via first class mail. I declare under the penalty of perjury that the above statement is true to the best of my knowledge, information and belief.

/s/Ridley S. Nimmo, II
Ridley S. Nimmo, II (P54783)
Attorney for Defendants
111 E. Court Street, Suite 1B
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